

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re: Methyl Tertiary Butyl Ether ("MTBE")	:	<b>Master File No. 1:00-1898</b>
Products Liability Litigation	:	<b>MDL No. 1358 (SAS)</b>
	:	
This Document Relates To:	:	The Honorable Shira A. Scheindlin
<i>Orange County Water District v. Unocal</i>	:	
<i>Corporation, et al.</i> , Case No. 04 Civ. 4968	:	
(SAS).	:	
	:	
	:	
-----	X	

**BP AND SHELL DEFENDANTS' REQUEST FOR JUDICIAL NOTICE  
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Defendants Atlantic Richfield Company (“ARCO”), BP West Coast Products LLC, and BP Products North America Inc. (collectively, the “BP Defendants”) and Shell Oil Company, Equilon Enterprises LLC, and Texaco Refining and Marketing Inc. (collectively, the “Shell Defendants”) respectfully request that the Court take judicial notice of the following documents:

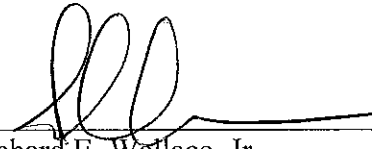
A. The original Complaint filed on January 6, 1999 by the Orange County District Attorney (“OCDA”) in *People v. Atlantic Richfield Co., etc. et al.* (Orange County Superior Court Case No. 80-40-30 (“*People v. ARCO*”), which named ARCO and Thrifty Oil Company (“Thrifty”) as defendants; and

B. The original Complaint filed on January 6, 1999 by the OCDA in *People v. Shell Oil Co., et al.* (Orange County Superior Court Case No. 80-40-31) (“*People v. Shell*”) and its attached amendments, which named the Shell Defendants as defendants.

A court “must take judicial notice” of adjudicative facts “if a party requests it and the court is supplied with the necessary information.” Fed R. Evid. 201(c). “A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Fed R. Evid. 201(b). The facts and documents above are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. “A court may take judicial notice of a document filed in another court not for the truth of the matters asserted in the other litigation, but rather to establish the fact of such litigation and related findings.” *Global Network Commc’ns, Inc. v. City of New York*, 458 F.3d 150, 157 (2d Cir. 2006) (quoting *Int’l Star Class Yacht Racing Ass’n v. Tommy Hilfiger U.S.A., Inc.*, 146 F.3d 66, 70 (2d Cir. 1998)).

Dated: June 6, 2014

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'RW', is written over a horizontal line.

Richard E. Wallace, Jr.

Peter C. Condon

Amanda Gilbert

SEDGWICK LLP

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Washington, D.C. 20007

Telephone: (202) 204-1000

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Attorneys for Defendants

Shell Oil Company, Equilon Enterprises LLC, and

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Attorneys for Defendants

Atlantic Richfield Company, BP Products North

America Inc., and BP West Coast Products LLC

## EXHIBIT A

ORIGINAL

FEES WAIVED \$188 GOV CODE 6103

1 TONY RACKAUCKAS, DISTRICT ATTORNEY  
 2 COUNTY OF ORANGE, STATE OF CALIFORNIA  
 3 CHUCK MIDDLETON, SENIOR ASSISTANT DISTRICT ATTORNEY  
 4 CONSUMER AND ENVIRONMENTAL PROTECTION UNIT  
 5 BY: MICHELLE M. LYMAN  
 6 DEPUTY DISTRICT ATTORNEY  
 7 405 WEST FIFTH STREET, SUITE 606  
 8 SANTA ANA, CALIFORNIA 92701  
 9 TELEPHONE: (714) 568-1200

**FILED**  
 ORANGE COUNTY SUPERIOR COURT  
 JAN 06 1999  
 ALAN SLATER, Executive Officer/Clerk  
 BY C. KEELER

6 ATTORNEYS FOR PLAINTIFF

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 9 IN AND FOR THE COUNTY OF ORANGE

11 THE PEOPLE OF THE STATE OF CALIFORNIA,

12 Plaintiff,

13 vs.

14 ATLANTIC RICHFELD COMPANY, a Delaware  
 15 corporation doing business as ARCO; and DOES 1  
 16 through 100, inclusive,

16 Defendants.

CASE NO. 804030

COMPLAINT FOR  
 INJUNCTION, COMPLIANCE  
 ORDER, CIVIL PENALTIES  
 AND OTHER RELIEF  
 JUDGE JOHN C. WOOLLEY  
 DEPT. C6

17 The People of the State of California, by and through Tony Rackauckas, District Attorney  
 18 for the County of Orange, allege:

19 **VENUE AND JURISDICTION**

20 1. Tony Rackauckas, as District Attorney of the County of Orange, by Michelle M.  
 21 Lyman, acting to protect the public from health and safety hazards, and from unfair, unlawful or  
 22 fraudulent business practices, and to protect the environment of the County of Orange, brings this  
 23 action in the public interest in the name of the People of the State of California and the County  
 24 of Orange.

25 2. Plaintiff, by this action and pursuant to Health and Safety Code sections 25299.01,  
 26 25299.37, 25299.76, 25249.5 and 25249.7, Business and Professions Code sections 17200, 17203,  
 27 17204, and 17206, and California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11  
 28 sections 2721-2726, inclusive, seeks to enjoin Defendant from engaging in further violations of the

1           9. Defendant ARCO markets gasoline and other refined petroleum products to both  
2 consumers and resellers. Gasoline is marketed under the ARCO trademark directly to motorists  
3 at ARCO branded retail outlets and through independent dealers and distributors within the state  
4 of California and elsewhere.

5           10. Defendant ARCO as part of its gasoline marketing operation currently owns and/or  
6 operates and did own and/or operate numerous underground storage tanks located within the  
7 County of Orange which are or were used to store ARCO branded gasoline for sale to consumers.  
8 Defendant ARCO currently owns and or has owned certain real property located within the County  
9 of Orange wherein underground storage tanks were owned and or operated by individuals or  
10 entities other than Defendant ARCO.

11           11. The gasoline marketed by ARCO at all times relevant herein contains, among other  
12 chemicals, benzene, CAS Number 71432, and Toluene, CAS Number 108883, which are  
13 chemicals known by the state of California to cause cancer or reproductive toxicity pursuant to  
14 Proposition 65. The gasoline marketed by ARCO at all times relevant herein also contains the  
15 chemicals Ether, Xylene and the gasoline additive Methyl-tert-butyl-ether (hereinafter referred to  
16 as MTBE).

17           12. Plaintiff is informed and believes and on such belief alleges that there have been  
18 numerous unauthorized releases of ARCO branded gasoline to the soil and groundwater of the  
19 County of Orange from underground storage tanks currently or previously owned and/or operated  
20 by defendant ARCO, or onto land owned by ARCO, which unauthorized releases have resulted  
21 in the contamination of County soil and groundwater with petroleum hydrocarbons, benzene,  
22 toluene, ether, xylene, and MTBE. Defendants have failed to take appropriate corrective action  
23 to remedy the impact of these unauthorized releases and have knowingly allowed the continued  
24 migration of such releases through and into soil, groundwater and sources or potential sources of  
25 drinking water of the County of Orange and the State of California.

26           13. Plaintiff is informed and believes, and based upon such information and belief  
27 alleges, that at some time or times during the statutory period applicable to the offenses alleged  
28 herein but at a time not specifically known to Plaintiff at this time, Defendant ARCO did violate

**SECOND CAUSE OF ACTION**

**VIOLATION OF HEALTH AND SAFETY CODE SECTION 25249.5**  
**(Proposition 65: Discharge to Drinking Water)**

19. Plaintiff realleges and incorporates by reference paragraphs 1 through 13, inclusive, as though set forth fully and at length herein.

20. Beginning at a time as yet unknown to Plaintiff, but occurring within the applicable statutory period and continuing up to the time of the filing of this complaint, Defendants have engaged in and continue to engage in certain acts in violation of Health and safety Code section 25249.5, to wit, Defendants have in the course of doing business knowingly discharged or released a chemical known by the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water.

21. Defendants' violations of law as alleged in paragraph 20 above have occurred and continue to occur at specified locations within the County of Orange, including but not limited to, the site locations listed on Exhibit "A" attached hereto and incorporated by reference as though set forth fully and at length herein. Plaintiff will amend this complaint as Plaintiff becomes informed of other site locations where Defendants have engaged in violations of Health and Safety Code section 25249.5.

22. The actions of Defendants in committing and continuing to commit violations of Health and Safety Code section 25249.5 are inimical to the health and welfare of the public and a threat to sources and potential sources of drinking water of this state and unless enjoined by order of this court, there is a substantial threat that Defendants will continue to commit such actions and violations of law.

23. The actions of Defendants render each Defendant liable to Plaintiff for civil penalties in an amount up to \$2,500 per day per each violation of Health and Safety Code section 25249.5.

**THIRD CAUSE OF ACTION**

**VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17200**  
**(Acts of Unfair Business Practices)**

24. Plaintiff realleges and incorporates by reference paragraphs 1 through 13, inclusive,

1 the First Cause of Action.

2       2. Defendants, and its principals, employees, agents, representatives, successors and  
3 all persons, corporations or other entities acting under, by, through or on behalf of Defendants,  
4 or acting in concert or participation with or for them with actual or constructive notice of the  
5 injunction issued by this court, be temporarily, preliminarily, and thereafter permanently  
6 restrained and enjoined from engaging in unlawful acts in violation Health and Safety Code section  
7 25249.5 and be specifically enjoined from engaging in the types of acts or practices set forth in  
8 the Second Cause of Action.

9       3. Defendants, and its principals, employees, agents, representatives, successors and  
10 all persons, corporations or other entities acting under, by, through or on behalf of Defendants,  
11 or acting in concert or participation with or for them with actual or constructive notice of the  
12 injunction issued by this court, be temporarily, preliminarily, and thereafter permanently  
13 restrained and enjoined from engaging in unlawful acts in violation of Business and Professions  
14 Code section 17200 and be specifically enjoined from engaging in the types of acts or practices  
15 set forth in the Third Cause of Action.

16       4. Pursuant to Health and Safety Code section 25299.76, the court assess and Plaintiff  
17 recover a civil penalty of not more than Ten Thousand Dollars (\$10,000) from each Defendant  
18 for each underground storage tank for each day of violation of Health and Safety Code section  
19 25299.37.

20       5. Pursuant to Health and Safety Code section 25249.7, the court assess and Plaintiff  
21 recover a civil penalty of not more than Two Thousand Five Hundred Dollars (\$2,500) from each  
22 Defendant for each underground storage tank for each day of violation of Health and Safety Code  
23 section 25249.5.

24       6. Pursuant to Business and Professions Code section 17206, the court assess and  
25 Plaintiff recover a civil penalty of not more than Two Thousand Five Hundred Dollars (\$2,500)  
26 from each Defendant for violation of Business and Professions Code section 17200.

27       7. Plaintiff recover its costs, including its cost of investigation.

28       8. Plaintiff have such other and further relief as the nature of the case may require,



- 1 1. ARCO Station #1905  
2 18425 Magnolia Street  
3 Fountain Valley, CA 92708
- 4 2. ARCO Station #1912  
5 18480 Brookhurst Street  
6 Fountain Valley, CA 92708
- 7 3. ARCO Station #5202  
8 12502 Harbor Boulevard  
9 Garden Grove, CA 92840
- 10 4. ARCO Station #1583  
11 7990 Knott Avenue  
12 Buena Park, CA 90620
- 13 5. ARCO Station #1998  
14 5472 Orangethorpe Avenue  
15 Buena Park, CA 90620
- 16 6. ARCO Station #1969  
17 7760 Crescent Avenue  
18 Buena Park, CA 90620
- 19 7. ARCO Station #6079  
20 3901 E. Riverdale  
21 Anaheim, CA

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28  
**Exhibit A**

## EXHIBIT B

ORIGINAL

FEES WAIVED \$ 188.00 GOV CODE 6103

1 TONY RACKAUCKAS, DISTRICT ATTORNEY  
 2 COUNTY OF ORANGE, STATE OF CALIFORNIA  
 3 CHUCK MIDDLETON, SENIOR ASSISTANT DISTRICT ATTORNEY  
 4 CONSUMER AND ENVIRONMENTAL PROTECTION UNIT  
 5 BY: MICHELLE M. LYMAN  
 6 DEPUTY DISTRICT ATTORNEY  
 7 405 WEST FIFTH STREET, SUITE 606  
 8 SANTA ANA, CALIFORNIA 92701  
 9 TELEPHONE: (714) 568-1200

10 ATTORNEYS FOR PLAINTIFF

**FILED**  
 ORANGE COUNTY SUPERIOR COURT  
 JAN 06 1999  
 ALAN SLATER, Executive Officer/Clerk  
 C. Keeler  
 BY C. KEELER

11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 12 IN AND FOR THE COUNTY OF ORANGE

13 THE PEOPLE OF THE STATE OF CALIFORNIA,

14 Plaintiff,

15 vs.

16 SHELL OIL COMPANY, a Delaware corporation doing  
 17 business as SHELL; and DOES 1 through 100, inclusive,

18 Defendants.

CASE NO. 804031

COMPLAINT FOR  
 INJUNCTION, COMPLIANCE  
 ORDER, CIVIL PENALTIES  
 AND OTHER RELIEF

JUDGE TULLY H. SEYMOUR  
 DEPT. C30

19 The People of the State of California, by and through Tony Rackauckas, District Attorney  
 20 for the County of Orange, allege:

**VENUE AND JURISDICTION**

21 1. Tony Rackauckas, as District Attorney of the County of Orange, by Michelle M.  
 22 Lyman, acting to protect the public from health and safety hazards, and from unfair, unlawful or  
 23 fraudulent business practices, and to protect the environment of the County of Orange, brings this  
 24 action in the public interest in the name of the People of the State of California and the County  
 25 of Orange.

26 2. Plaintiff, by this action and pursuant to Health and Safety Code sections 25299.01,  
 27 25299.37, 25299.76, 25249.5 and 25249.7, Business and Professions Code sections 17200, 17203,  
 28 17204, and 17206, and California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11  
 sections 2721-2726, inclusive, seeks to enjoin Defendant from engaging in further violations of the

1 laws and regulations alleged herein and seeks to obtain civil penalties for the Defendants' violations  
2 of the above-mentioned laws and regulations.

3 3. Defendant transacts business within the County of Orange, and elsewhere within the  
4 State of California. The violations of law hereinafter described have been carried out wholly or in  
5 part within the County of Orange.

6 **DEFENDANTS**

7 4. Plaintiff is informed and believes, and on such information and belief alleges, that  
8 at all times mentioned herein Defendant Shell Oil Company (hereinafter referred to as SHELL)  
9 was and is a corporation duly organized under the laws of the state of Delaware and conducting  
10 business in the County of Orange and throughout the state of California.

11 5. The names and capacities, whether individual, corporate or otherwise, of  
12 Defendants named herein as DOES 1 through 100, inclusive, are unknown to Plaintiff at this time,  
13 who, therefore, sues said Defendants by such fictitious names and Plaintiff will amend this  
14 complaint to show their true names and capacities if and when the same have been ascertained.  
15 Plaintiff is informed and believes, and on such information and belief alleges, that each of the  
16 Defendants named as a Doe is responsible in some manner for events and occurrences about which  
17 this complaint is filed and therefore is liable for the relief sought herein.

18 6. When reference is made in this complaint to any act or act of Defendants, such  
19 allegations shall be deemed to mean the act of each defendant acting individually, jointly and  
20 severally.

21 7. At all times mentioned herein, each of the Defendants was the agent, employee or  
22 principal of each of the remaining Defendants, and was acting within the scope of his agency and  
23 employment.

24 **GENERAL ALLEGATIONS**

25 8. Defendant SHELL is engaged in the business of, among other things, the  
26 exploration, development and production of petroleum, the refining and transportation of  
27 petroleum and petroleum products and the marketing of petroleum products.

28 9. Defendant SHELL markets gasoline and other refined petroleum products to both

1 consumers and resellers. Gasoline is marketed under the SHELL trademark directly to motorists  
2 at SHELL branded retail outlets and through independent dealers and distributors within the state  
3 of California and elsewhere.

4 10. Defendant SHELL as part of its gasoline marketing operation currently owns and/or  
5 operates and did own and/or operate numerous underground storage tanks located within the  
6 County of Orange which are or were used to store SHELL branded gasoline for sale to consumers.  
7 Defendant SHELL currently owns and or has owned certain real property located within the  
8 County of Orange wherein underground storage tanks were owned and or operated by individuals  
9 or entities other than Defendant SHELL.

10 11. The gasoline marketed by SHELL at all times relevant herein contains, among other  
11 chemicals, benzene, CAS Number 71432, and Toluene, CAS Number 108883, which are  
12 chemicals known by the state of California to cause cancer or reproductive toxicity pursuant to  
13 Proposition 65. The gasoline marketed by SHELL at all times relevant herein also contains the  
14 chemicals Ether, Xylene and the gasoline additive Methyl-tert-butyl-ether (hereinafter referred to  
15 as MTBE).

16 12. Plaintiff is informed and believes and on such belief alleges that there have been  
17 numerous unauthorized releases of SHELL branded gasoline to the soil and groundwater of the  
18 County of Orange from underground storage tanks currently or previously owned and/or operated  
19 by defendant SHELL, or onto land owned by SHELL, which unauthorized releases have resulted  
20 in the contamination of County soil and groundwater with petroleum hydrocarbons, benzene,  
21 toluene, ether, xylene, and MTBE. Defendants have failed to take appropriate corrective action  
22 to remedy the impact of these unauthorized releases and have knowingly allowed the continued  
23 migration of such releases through and into soil, groundwater and sources or potential sources of  
24 drinking water of the County of Orange and the State of California.

25 13. Plaintiff is informed and believes, and based upon such information and belief  
26 alleges, that at some time or times during the statutory period applicable to the offenses alleged  
27 herein but at a time not specifically known to Plaintiff at this time, Defendant SHELL did violate  
28 and continues to violate the laws, statutes and regulations as alleged in the causes of action within

1 this complaint. Plaintiff will amend this complaint to allege the specific date or dates of violations  
2 when such have been ascertained.

3 **FIRST CAUSE OF ACTION**

4 **VIOLATION OF HEALTH AND SAFETY CODE SECTION 25299.37**  
5 **(Failure to Take Corrective Action)**

6 14. Plaintiff realleges and incorporates by reference paragraphs 1 through 13, inclusive,  
7 as though set forth fully and at length herein.

8 15. Beginning at a time as yet unknown to Plaintiff, but occurring within the applicable  
9 statutory period and continuing up to the time of the filing of this complaint, Defendants have  
10 engaged in and continue to engage in certain acts in violation of Health and Safety Code section  
11 25299.37, to wit, Defendants have failed to take corrective action in response to unauthorized  
12 releases of petroleum from underground storage tanks owned and/or operated by Defendants, or  
13 onto real property owned by Defendants, which unauthorized releases have resulted in the  
14 contamination of the soil and groundwater of the County of Orange.

15 16. Defendants' failure to take corrective action as alleged in paragraph 15 above has  
16 occurred and continues to occur at specified locations within the County of Orange, including, but  
17 not limited to, the site locations listed on Exhibit "A" attached hereto and incorporated by  
18 reference as though set forth fully and at length herein. Plaintiff will amend this complaint as  
19 Plaintiff becomes informed of other site locations where Defendants have failed to take corrective  
20 action.

21 17. The actions of the Defendants in committing and continuing to commit the  
22 violations of law as set forth herein are inimical to the welfare of the public and a threat to the  
23 environment and unless enjoined by order of this court, there is a substantial threat that  
24 Defendants will continue to commit such actions and violations of law.

25 18. The actions of said Defendants render each Defendant liable to Plaintiff for civil  
26 penalties in an amount up to \$10,000 for each underground storage tank for each day of violation.

27 ///

28 **SECOND CAUSE OF ACTION**

**VIOLATION OF HEALTH AND SAFETY CODE SECTION 25249.5**  
**(Proposition 65: Discharge to Drinking Water)**

19. Plaintiff realleges and incorporates by reference paragraphs 1 through 13, inclusive, as though set forth fully and at length herein.

20. Beginning at a time as yet unknown to Plaintiff, but occurring within the applicable statutory period and continuing up to the time of the filing of this complaint, Defendants have engaged in and continue to engage in certain acts in violation of Health and safety Code section 25249.5, to wit, Defendants have in the course of doing business knowingly discharged or released a chemical known by the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water.

21. Defendants' violations of law as alleged in paragraph 20 above have occurred and continue to occur at specified locations within the County of Orange, including but not limited to, the site locations listed on Exhibit "A" attached hereto and incorporated by reference as though set forth fully and at length herein. Plaintiff will amend this complaint as Plaintiff becomes informed of other site locations where Defendants have engaged in violations of Health and Safety Code section 25249.5.

22. The actions of Defendants in committing and continuing to commit violations of Health and Safety Code section 25249.5 are inimical to the health and welfare of the public and a threat to sources and potential sources of drinking water of this state and unless enjoined by order of this court, there is a substantial threat that Defendants will continue to commit such actions and violations of law.

23. The actions of Defendants render each Defendant liable to Plaintiff for civil penalties in an amount up to \$2,500 per day per each violation of Health and Safety Code section 25249.5.

**THIRD CAUSE OF ACTION**

**VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17200**  
**(Acts of Unfair Business Practices)**

24. Plaintiff realleges and incorporates by reference paragraphs 1 through 13, inclusive, as though set forth fully and at length herein.



1           25. Beginning at a time as yet unknown to Plaintiff, but occurring within the applicable  
2 statutory period and continuing up to the time of the filing of this complaint, Defendants have  
3 engaged in and continue to engage in certain acts in violation of Business and Professions Code  
4 section 17200, to wit, the following:

5           A. Defendants have failed to take corrective action in response to unauthorized  
6 releases of petroleum from underground storage tanks owned and/or operated by  
7 Defendants, or onto real property owned by Defendants, which unauthorized releases have  
8 resulted in the contamination of the soil and groundwater of the County of Orange.

9           B. Defendants have in the course of doing business knowingly discharged or  
10 released a chemical known by the state to cause cancer or reproductive toxicity into water  
11 or onto or into land where such chemical passes or probably will pass into any source of  
12 drinking water.

13           26. The actions of Defendants in committing and continuing to commit violations of  
14 Business and Professions Code section 17200 are inimical to the health and welfare of the public  
15 and a threat to sources and potential sources of drinking water of this state and unless enjoined by  
16 order of this court, there is a substantial threat that Defendants will continue to commit such  
17 actions and violations of law.

18           23. The actions of Defendants render each Defendant liable to Plaintiff for civil  
19 penalties in an amount up to \$2,500 per each violation of Business and Professions Code section  
20 17200.

21 **WHEREFORE PLAINTIFF PRAYS THAT:**

22           1. Defendants, and its principals, employees, agents, representatives, successors and  
23 all persons, corporations or other entities acting under, by, through or on behalf of Defendants,  
24 or acting in concert or participation with or for them with actual or constructive notice of the  
25 injunction issued by this court, be temporarily, preliminarily, and thereafter permanently  
26 restrained and enjoined from engaging in unlawful acts in violation Health and Safety Code section  
27 25299.37 and be specifically enjoined from engaging in the types of acts or practices set forth in  
28 the First Cause of Action.



1           2.     Defendants, and its principals, employees, agents, representatives, successors and  
2 all persons, corporations or other entities acting under, by, through or on behalf of Defendants,  
3 or acting in concert or participation with or for them with actual or constructive notice of the  
4 injunction issued by this court, be temporarily, preliminarily, and thereafter permanently  
5 restrained and enjoined from engaging in unlawful acts in violation Health and Safety Code section  
6 25249.5 and be specifically enjoined from engaging in the types of acts or practices set forth in  
7 the Second Cause of Action.

8           3.     Defendants, and its principals, employees, agents, representatives, successors and  
9 all persons, corporations or other entities acting under, by, through or on behalf of Defendants,  
10 or acting in concert or participation with or for them with actual or constructive notice of the  
11 injunction issued by this court, be temporarily, preliminarily, and thereafter permanently  
12 restrained and enjoined from engaging in unlawful acts in violation of Business and Professions  
13 Code section 17200 and be specifically enjoined from engaging in the types of acts or practices  
14 set forth in the Third Cause of Action.

15          4.     Pursuant to Health and Safety Code section 25299.76, the court assess and Plaintiff  
16 recover a civil penalty of not more than Ten Thousand Dollars (\$10,000) from each Defendant  
17 for each underground storage tank for each day of violation of Health and Safety Code section  
18 25299.37.

19          5.     Pursuant to Health and Safety Code section 25249.7, the court assess and Plaintiff  
20 recover a civil penalty of not more than Two Thousand Five Hundred Dollars (\$2,500) from each  
21 Defendant for each underground storage tank for each day of violation of Health and Safety Code  
22 section 25249.5.

23          6.     Pursuant to Business and Professions Code section 17206, the court assess and  
24 Plaintiff recover a civil penalty of not more than Two Thousand Five Hundred Dollars (\$2,500)  
25 from each Defendant for violation of Business and Professions Code section 17200.

26          7.     Plaintiff recover its costs, including its cost of investigation.

27          8.     Plaintiff have such other and further relief as the nature of the case may require,  
28 and the court deems proper, to fully and successfully dissipate the effects of the unlawful acts or

1 | practices and the violations of the underground storage tank laws.

2 | TONY RACKAUCKAS, DISTRICT ATTORNEY  
3 | COUNTY OF ORANGE, STATE OF CALIFORNIA

4 | DATED: 1/6/99

5 | BY: Michelle M. Lyman  
6 | MICHELLE M. LYMAN  
7 | DEPUTY DISTRICT ATTORNEY  
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Address, Telephone No.) Allan F. Davis ROBINSON, CALCAGNIE & ROBINSON 620 Newport Center Drive 7th Floor Newport Beach, CA 92660 (949) 720-1288 ATTORNEY FOR (Name): Plaintiff Bar No.: 108269		FOR COURT USE ONLY  <b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE CENTRAL JUSTICE CENTER  NOV 21 2001  ALAN SLATER, Clerk of the Court <i>M. DeMaria</i> BY M. DeMARIA
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> JUSTICE CENTER: <input checked="" type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701 <input type="checkbox"/> Harbor-Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595 <input type="checkbox"/> Harbor-Laguna Hills Facility - 23141 Moulton Pkwy., Laguna Hills, CA 92653 <input type="checkbox"/> North - 1275 N. Berkeley Ave., Fullerton, CA 92835 <input type="checkbox"/> West - 8141 13th Street, Westminster, CA 92683		
PLAINTIFF: People of the State of California DEFENDANT: Shell Oil Company		
<b>AMENDMENT TO COMPLAINT</b> <input type="checkbox"/> Limited Civil <input checked="" type="checkbox"/> Unlimited Civil		CASE NUMBER: 80-40-31 <i>EX103</i>

**FICTITIOUS NAME** (NO ORDER REQUIRED)

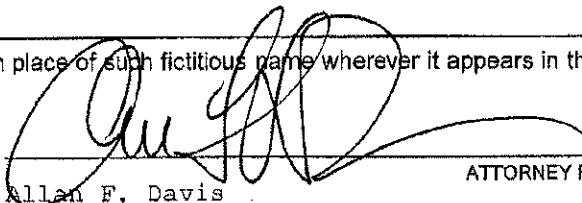
Upon filing the complaint herein, plaintiff being ignorant of the true name of defendant and having designated said defendant in the complaint by the fictitious name of:

DOE 1

and having discovered the true name of said defendant to be:

EQUILON ENTERPRISES LLC

hereby amends the complaint by inserting true name in place of such fictitious name wherever it appears in the complaint.



Allan F. Davis

ATTORNEY FOR PLAINTIFF

**INCORRECT NAME** (ORDER REQUIRED)

Plaintiff having designated a defendant in the complaint the incorrect name of:

and having discovered the true name of the defendant to be:

hereby amends the complaint by inserting true name in place of incorrect name wherever it appears in the complaint.

ATTORNEY FOR PLAINTIFF

Allan F. Davis  
 ROBINSON, CALCAGNIE & ROBINSON

**ORDER**

Plaintiff is hereby allowed to file the above amendment to the complaint.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Judge/Commissioner of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Address, Telephone No.) Allan F. Davis ROBINSON, CALCAGNIE & ROBINSON 620 Newport Center Drive 7th Floor Newport Beach, CA 92660 (949) 720-1288 ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY  <b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE CENTRAL JUSTICE CENTER  OCT 24 2003  ALAN SLATER, Clerk of the Court <i>Alan Slater</i> BY PA HOUA VANG LY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input checked="" type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701 <input type="checkbox"/> Harbor-Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595 <input type="checkbox"/> Harbor-Laguna Hills Facility - 23141 Moulton Pkwy., Laguna Hills, CA 92653 <input type="checkbox"/> North - 1275 N. Berkeley Ave., P. O. Box 1275, Fullerton, CA 92838-0500 <input type="checkbox"/> West - 8141 13th Street, Westminster, CA 92683	
PLAINTIFF: People of the State of California DEFENDANT: Shell Oil Company	CASE NUMBER: 80-40-31
<b>AMENDMENT TO COMPLAINT</b> <input type="checkbox"/> Limited Civil <input checked="" type="checkbox"/> Unlimited Civil	Case assigned to: Judge: David C. Velasquez Department: CX104 Date complaint filed: 1/6/99 Hearing/trial date: None

FICTITIOUS NAME (NO ORDER REQUIRED)

Upon filing the complaint herein, plaintiff being ignorant of the true name of defendant and having designated said defendant in the complaint by the fictitious name of:

Doe 6

and having discovered the true name of said defendant to be:

Texaco Refining and Marketing, Inc.

hereby amends the complaint by inserting true name in place of such fictitious name wherever it appears in the complaint.

  
 Allan F. Davis

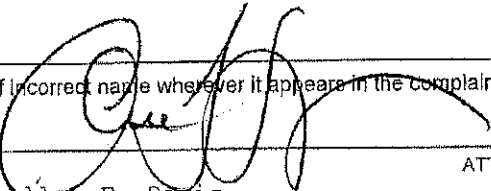
ATTORNEY FOR PLAINTIFF

INCORRECT NAME (ORDER REQUIRED)

Plaintiff having designated a defendant in the complaint the incorrect name of:

and having discovered the true name of the defendant to be:

hereby amends the complaint by inserting true name in place of incorrect name wherever it appears in the complaint.

  
 Allan F. Davis

ATTORNEY FOR PLAINTIFF

**ORDER**

Plaintiff is hereby allowed to file the above amendment to the complaint.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge/Commissioner of the Superior Court**AMENDMENT TO COMPLAINT**
 RECEIVED  
 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF ORANGE  
 CIVIL JUSTICE CENTER  
 OCT 24 2003  
 ALAN SLATER, Clerk of the Court